

BOARD OF ZONING APPEALS MEETING

TIPP CITY, MIAMI COUNTY, OHIO

November 19, 2008

Meeting	Chairman Poff called this meeting of the Tipp City Board of Zoning Appeals to order at 7:30 p.m.
Roll Call	<p>Roll call showed the following Board Members present: Ron Poff, Stacy Wall, Katelyn Black, John Borchers, and David Berrett. Others in attendance: City Planner/Zoning Administrator Matthew Spring, and acting Board Secretary Marilyn Fennell.</p> <p>Citizens attending the meeting: John Kessler, Matt Black, and Scott Etherington.</p>
Board Minutes 9-17-08	Chairman Poff asked for discussion. There being none, Mr. Berrett moved to approve the September 17, 2008, meeting minutes as written , seconded by Mrs. Wall. Motion carried. Ayes: Berrett, Wall, Poff, and Black. Nays: None. Mr. Borchers abstained from the vote.
Chairman's Introduction	Chairman Poff explained the guidelines and procedures for the meeting and public hearings. He advised the applicants that a decision of the Board could be appealed to City Council within 10 days. If the Board granted the applicant's request, the applicant may file the appropriate permits after the 10-day waiting period has expired.
Citizen Comments	There were no citizen comments on items not on the agenda.
Administration of Oath	Mrs. Wall, attorney, swore in citizens wishing to speak and Mr. Spring.
New Business Case No. 22-08 Scott Etherington Two Variance Requests	<p>New Business</p> <p>A. Case No. 22-08: Scott Etherington - 6810 Tipp-Cowlesville Road, Tipp City - Lot: Pt. IL 1796 (5.85 acres) - The applicant requested two variances:</p> <ol style="list-style-type: none">1. A variance of 408 square feet to Code §154.059(A)(1)(a) to allow a private garage or carport with a total area of 1,208 square feet rather than the 800 square feet maximum required by Code.2. A variance of 10 feet to Code §154.059(D)(3) to allow a detached accessory building 24 feet in height rather than the 14 feet maximum required by Code. <p>Present Zoning District: R-1 - Open Space Residential Zoning District</p> <p>Section(s): Code §154.059(A)(1)(a) and §154.059(D)(3)</p> <p>Mr. Spring stated that in association with the proposed construction of a 30' x 30' (900 sq. ft.) detached garage, the applicant requested the following variances:</p> <p><u>Variance 1</u></p>

A variance of 408 square feet to Code §154.059(A)(1)(a) to allow private garage(s) or carport(s) with a total area of 1,208 square feet rather than the maximum of 800 square feet required by Code at the single-family residence located at 6810 Tipp-Cowlesville Road.

Mr. Spring referred to Zoning Code Section §154.059(A)(1)(a) states:

- (1) *Private garages or carports not to exceed the following area:*
 - (a) *For a single-family dwelling: 800 square feet.*

Mr. Spring stated that there was an existing 14' by 22' garage (308 square feet) on the property. The proposed detached garage was 900 square feet in area. Therefore, the existing garage plus the proposed garage provided a total area of 1,208 square feet. Thus a variance of 408 square feet was required ($1,208 - 800 = 408$).

Variance 2

A variance of 10 feet to Code §154.059(D)(3) to allow a detached accessory building 24 feet in height rather than the 14 feet maximum required by Code at the single-family residence located at 6810 Tipp-Cowlesville Road.

Mr. Spring referred to Zoning Code Section §154.059(D)(3) states:

A detached accessory building shall not exceed 14 feet in height nor be located closer to an alley than 10 feet if access is from an alley.

Per Zoning Code Section §154.004, building height was defined as:

The vertical distance measured from the average elevation of the finished grade within 20 feet of the structure to the highest point.

Mr. Spring stated that the proposed detached garage was constructed on a slope. Based on the above definition of building height, the height of the garage was 24'. Thus a variance of 10 feet was required ($24 - 14 = 10$).

Mr. Spring explained the procedural requirements to grant the variance in this case as outlined in Sections §154.175(E), §154.175(C), and §154.175(D) of the Tipp City Code of Ordinances.

Mr. Spring mentioned the following addition notes regarding the request:

- Per §154.074(I)(3)(b), all open off-street parking areas shall be graded and provided with a hard surface of bituminous or Portland cement concrete. Accordingly, the applicant would be required to provide a driveway to the proposed garage paved with a hard surface of bituminous (asphalt).

- There was an existing 100' DP&L easement running along the northern property line. The proposed garage would not encroach into this easement.
- Prior to the construction of the proposed garage, the applicant shall be required to obtain an approved Zoning Compliance Permit from the City of Tipp City and the required building permits from Miami County.

Mr. Scott Etherington, 6810 Tipp-Cowlesville Road, approached the dais.

Board Members found the following regarding the case: garage would be approximately 50' from the dwelling; would be used to house cars; a deck would be off of the north side of the proposed garage for sitting purposes only; no one will be residing in the garage; a water issue was present behind the existing barn so the proposed garage could not be placed there, also a large revenue; footer will be below freeze line but the entirety of the proposed garage would be above ground and essentially slope away from its floor; front of building would be at 18' back would be 24' high.

No neighbor's comments were received.

Chairman Poff asked for further discussion. There was none.

Variance 1

Mrs. Wall **moved move to grant a variance of 408 square feet to Code §154.059(A)(1)(a) to allow private garages or carports with a total area of 1,208 square feet rather than the 800 square feet maximum allowable by Code**, seconded by Mr. Berrett. **Motion carried.** Ayes: Wall, Berrett, Black, Poff, and Borchers. Nays: None.

Variance 2

Mrs. Wall **moved to grant a variance of 10 feet to Code §154.059(D)(3) to allow a detached accessory building 24 feet in height rather than the 14 feet maximum allowable by Code**, seconded by Mr. Berrett. **Motion carried.** Ayes: Wall, Berrett, Borchers, Black, and Poff. Nays: None.

Business

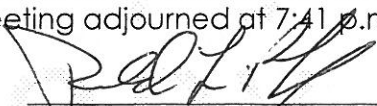
There was none.

Miscellaneous

There was none.

Adjournment

There being no further business, Mrs. Wall **moved to adjourn the meeting**, seconded by Mr. Poff and unanimously approved. **Motion carried.** Chairman Poff declared the meeting adjourned at 7:41 p.m.


Chairman Ron Poff

Attest: 
Mrs. Kimberly Patterson, Board Secretary

